

REMARKS

Claims 1-8 were rejected under §112, second paragraph, and have been amended as to form. Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 1, 4-5 and 8 were rejected as anticipated by KADABA 6,539,360. Reconsideration and withdrawal of the rejection are respectfully requested in view of the present amendment in which the subject matter of claim 2 has been added to claim 1 and the subject matter of claim 6 has been added to claim 5.

Claims 2 and 6 were rejected as unpatentable over KADABA in view of the one page UPS "On Call Air Pickup" document. Reconsideration and withdrawal of the rejection are respectfully requested.

The UPS document is not prior art. The document was printed on December 13, 2004, a date that follows the July 25, 2001 filing date of the present application.

The UPS document bears a copyright notice from 1994-1999. However, there is nothing in this copyright notice that defines the material to which the notice relates. Indeed, the copyright may merely relate to the print font, the style of the printed page, some particular design feature such as the arrangement of options at the top of the page, or anything else on the page - or nothing on the page as these notices are entirely self-policed and can refer to earlier versions that may

or may not have included the information of the currently available page. One can speculate what the page may have included in 1999, but speculation does not support a rejection under §103. The copyright notice is insufficient to support an assertion that this page was available in 1999 and is not suitable proof of the contents of the page prior to December 13, 2004. Accordingly, the rejection under §103 that relies on this reference should be withdrawn.

Claims 3 and 7 were rejected as unpatentable over KADABA in view of JONES 6,748,318. Reconsideration and withdrawal of the rejection are respectfully requested as these claims depend from claim 1 and 5 that are allowable for the reasons given above.

The IDS filed on February 27, 2004 complies with applicable rules and its consideration is respectfully requested. The concise relevance of these documents is explained on the first page of the IDS where reference is made to the English translation of the relevant parts of the Japanese Patent Office action in the corresponding Japanese application. A copy of the Japanese Patent Office action and the English translation that were submitted with the IDS are attached hereto, along with a copy of the post card receipt showing that these documents were received by the Patent Office. It is not certain whether these documents were available in the Patent Office file at the time of examination of this application as the electronic file history in


the PAIR system does not appear to include these documents. As is apparent from the post card receipt, the documents were submitted and received at the Patent Office. Further, consideration of the documents submitted is appropriate in view of the submission of the English translation of the Japanese Patent Office action (MPEP 609).

In view of the present amendment and the foregoing remarks, it is believed that the present application has been placed in condition for allowance. Reconsideration and allowance are respectfully requested.

The Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 25-0120 for any additional fees required under 37 C.F.R. § 1.16 or under 37 C.F.R. § 1.17.

Respectfully submitted,

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TWP/lrs

APPENDIX:

The Appendix includes the following items:

- copy of Japanese Patent Office action and English translation of parts thereof submitted with the IDS of February 27, 2004,
- copy of post card receipt evidencing this submission